

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Karen L. Bartlett

v.

Civil No. 08-cv-00358-JL

Mutual Pharmaceutical
Company, Inc.

SUMMARY ORDER

Plaintiff Karen Bartlett's motion in limine seeking to exclude from trial any evidence that her doctor Tahsin Ergin failed to read Sulindac's warning label and/or failed to warn her of the drug's safety risks (document no. 261) is GRANTED as to parts (a) and (b), but DENIED as to part (c). Such evidence was originally relevant to Bartlett's failure-to-warn claims and to defendant Mutual Pharmaceutical Company's apportionment and superseding cause defenses, but this court recently granted summary judgment on those claims and defenses. See Bartlett v. Mut. Pharm. Co., 2010 DNH 112, 11-22 (failure-to-warn claims); document no. 329 (Mutual's defenses). The evidence is not relevant to any other claim or defense remaining in the case. See Fed. R. Evid. 401, 402. Bartlett's request to exclude it is therefore granted.

Since Bartlett has notified the court that she no longer intends to call Dr. Ergin as a witness (document no. 334), her request that she be allowed to ask certain warning-related

questions of him during direct examination without "opening the door" to cross-examination by Mutual on the matters referenced above is denied as moot.

SO ORDERED.



Joseph N. Laplante
United States District Judge

Dated: August 12, 2010

cc: Keith M. Jensen, Esq.
Bryan Ballew, Esq.
Patrick J. O'Neal, Esq.
Eric Roberson, Esq.
Christine M. Craig, Esq.
Timothy P. Beaupre, Esq.
Joseph P. Thomas, Esq.
Paul J. Cosgrove, Esq.
Jeffrey D. Geoppinger, Esq.
Linda E. Maichl, Esq.
Stephen J. Judge, Esq.
Pierre A. Chabot, Esq.